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Attorneys for Defendant KCI USA, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

LANCE GITTIN, on behalf of himself and all
others similarly situated,

Plaintiff,

vs.

KCI USA, INC.,

Defendant.

Case No. 5:09-cv-05843-RS

Assigned to the Honorable Richard Seeborg,
Courtroom 3

Action Filed: December 14, 2009

**STIPULATION RE: CONTINUANCE
OF MEDIATION COMPLETION DATE;
~~PROPOSED~~ ORDER**

This stipulation between Plaintiff Lance Gittin and Defendant KCI USA, Inc., through their
counsel of record, is entered into with reference to the following facts:

1. On April 1, 2010, the Court ordered the parties to complete mediation in the case on
or before June 30, 2010.

2. On April 19, 2010, Jonathan D. Schmidt was appointed as mediator in this case.

3. Counsel for Plaintiff and KCI have had multiple conference calls with Mr. Schmidt
and had tentatively scheduled the mediation to go forward on June 2, 2010, and then rescheduled
the mediation to June 24, 2010.

4. In the meantime, Plaintiff's and KCI's counsel have exchanged productive
correspondence regarding settlement negotiations. However, it may yet be necessary to conduct a
mediation in order to resolve the matter.

5. The mediator, Mr. Schmidt, has a conflict with the June 24, 2010 proposed

1 mediation date.

2 6. Mr. Schmidt, all parties, and their counsel are available to conduct a mediation on
3 August 12, 2010.

4 7. Mr. Schmidt is in agreement that extending the June 30, 2010 mediation deadline
5 would be in the interests of the parties and the Court in that it would facilitate resolution of the
6 matter, allow the parties to continue their independent negotiations, and provide an available date to
7 conduct a mediation in the event those negotiations do not lead to a final settlement.

8 8. Mr. Schmidt authorized the parties to request that the Court continue the mediation
9 deadline from June 30, 2010 to August 30, 2010.

10 Wherefore, Plaintiff and KCI respectfully request that the Court continue the mediation
11 completion date from June 30, 2010 to August 30, 2010.

12 DATED: June 14, 2010

13 /s/ O. Randolph Bragg

14 O. Randolph Bragg, Esq.

Attorney for Plaintiff Lance Gittin

15 DATED: June 14, 2010

MUSICK, PEELER & GARRETT LLP

17
18 By: /s/ Donald E. Bradley

Donald E. Bradley

Attorneys for Defendant KCI USA, Inc.

20
21 **ORDER**

22 Pursuant to the foregoing stipulation and good cause appearing, IT IS HEREBY ORDERED
23 THAT:

24 The mediation completion deadline in this case shall be extended from June 30, 2010 to
25 August 30, 2010.

26 DATED: 6/15, 2010



The Hon. Richard Seeborg
U.S. District Court Judge